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October 16, 1997

Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Dear Sir:

I am writing in reference to the proposed petition from the National Association of Broadcasters and the Association for Maximum Service Television that would change the rules to give the Federal Communications Commission the authority to preempt local and state zoning and other land-use regulations; and allow the tower industry to construct towers just about anyplace they want to place them. This proposed petition appears to preempt the authority of the Federal Aviation Administration and would take away their authority to determine whether a potential tower poses a hazard to air navigation, enroute flights, or use of airports.

It is imperative that we protect the authority of the FAA and the state and local officials to legislate and to provide zoning ordinances and land-use regulations that will protect public and private airports and all air navigation. Please do not allow this NPRM to be enacted. Please say NO! to Docket No. 97-182 and/or any other proposed rules or legislation that would take away any authority from the FAA and the local and state governing officials.

Sincerely,

*Ruby A. Fere - Dolbow*

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RT 18 Box 591  
LAKE CITY FL 32025

# Broadcaster-backed NPRM would curtail FAA's authority over tower construction

BY CHARLES SPENCE

WASHINGTON, DC—Responding to a petition from the National Association of Broadcasters and the Association for Maximum Service Television, the Federal Communications Commission has issued a notice of proposed rule making that would let the FCC preempt local and state zoning and other land-use regulations and permit construction of TV towers just about anywhere the broadcasters want to place them.



Capital  
Comments

The NPRM, as it is written, even seems to preempt authority of the Federal Aviation Administration. Preemption of local and state authority by the FCC would permit tower construction if the lighting and marking were approved by the FAA or the FCC. Thus, if enacted, the FCC—not the FAA—could determine whether a potential tower does or does not pose a hazard.

The problem arises from the change to digital signals for television. The FCC is requiring the affiliates of the top four networks in the 10 top markets to be on the air with digital signals by May 1, 1999. Affili-

ates in the 11th to 30th markets must have their digital facilities by Nov. 1, 1999. All other commercial stations are required to construct their facilities by the year 2002, and noncommercial stations by 2003.

Broadcasters say this accelerated schedule will require extensive tower construction and re-siting. Two-thirds of all existing television broadcasters will need new or upgraded towers, involving more than 1,000 towers. Also, because of the increased weight and wind loading, a large number of co-located FM radio stations will have to be relocated, probably with new tower construction.

The broadcast industry says that local and state laws are inhibiting their progress toward meeting the deadlines set by the FCC. They want the federal commission to have full authority to allow the broadcasters to build where they want to. Aviation interests worry that this could result in hazards to flight.

Henry Ogrodzinski, president of the National Association of State Aviation Officials, said adoption of this rule "could be devastating." He said states, the FAA, airports and local officials have worked long and hard to put tall structures and zoning regulations in place to protect airports and en route flight.

Local zoning commissions, airports and pilot groups are being urged to support the Washington aviation interests by responding to the proposed rule and also to contact their

members of Congress.

Deadline for submitting comments to the FCC is Oct. 30. Comments should be sent to: Secretary, Federal Communications Commission, Washington, DC 20554. Refer to Docket No. 97-182.

## Political favoritism?

Timing is important not only in things to do but also in things not to do. Take the timing of an airport grant, for instance.

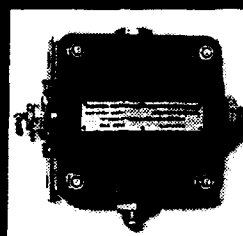
The FAA announced a grant of \$5 million to the Massachusetts Port Authority on Sept. 10, just days after Jane Garvey took the oath of office as FAA administrator. Garvey had been director of the Boston airport before joining the Clinton administration as deputy

director of the Federal Highway Administration. The money, according to the FAA, will be used to insulate approximately 100 homes in East Boston, Winthrop, Revere and South Boston.

No doubt, the decision to make the grant to Massachusetts was well underway before Garvey took office, and perhaps she might not have been aware of the timing of the announcement. Timing of the release, however, was unfortunate. The new administrator has enough troubles taking over the agency without adding to them with an action that could be seen by some as political favoritism.

Charles Spence is GANews & Flyer's Washington, DC, correspondent.

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*Arthur Hantsberger*  
*Robert C. Hantsberger*

R 18 Box 577  
Lake City, FL

32025-7421

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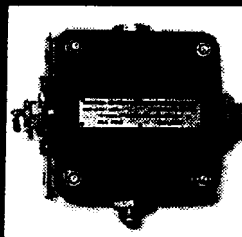
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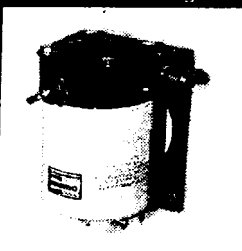
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